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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,543	04/11/2001	Daniel Earl Poirier	5577-235	3289

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EXAMINER

FAROOQ, MOHAMMAD O

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/832,543	POIRIER ET AL.	
	Examiner	Art Unit	
	Mohammad O. Farooq	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20,22 and 24 is/are allowed.
- 6) ☒ Claim(s) 1,2,10,11,21 and 23 is/are rejected.
- 7) ☒ Claim(s) 3-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/11/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,2, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayden, U.S. Pat. No. 6,018,771.

1. As to claim 1, Hayden teaches method, comprising:

establishing a connection from a configuring device to the network device utilizing an unassigned network address for the network to which the network device is attached irrespective of whether the network device is attached to a network local to or remote from the configuring device (item 12, fig. 1; abstract; col. 1, line 65 – col. 2, line 7).

2. As to claim 2, Hayden teaches method, further comprising configuring the network device utilizing the established connection (col. 3, lines 17-34).

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3. As to claim 21, Hayden teaches system, comprising:

a network device (any one of items 30a-30m; fig. 1); and

means for establishing a connection from a configuring device to the network device utilizing an unassigned network address for the network to which the network device is attached irrespective of whether the network device is attached to a network local to or remote from the configuring device (item 12, fig. 1; abstract; col. 1, line 65 – col. 2, line 7).

4. As to claim 23, Hayden teaches computer program product, comprising:

computer-readable program code embodied in a computer-readable media

(inherent in items 12 and 20a; fig. 1), the computer-readable program code comprising:

computer-readable program code which establishes a connection from a configuring device to the network device utilizing an unassigned network address for the network to which the network device is attached irrespective of whether the network device is attached to a network local to or remote from the configuring device (item 12, fig. 1; abstract; col. 1, line 65 – col. 2, line 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayden, U.S. Pat. No. 6,018,771 in view of Slemmer et al. U.S. Pat. No. 6,377,990.

6. As to claim 10, Hayden does not teach unassigned network address comprises an Internet Protocol address and wherein the connection comprises a Transmission Control Protocol connection.

However, Slemmer et al. teach unassigned network address comprises an Internet Protocol (i.e. IP) address and wherein the connection comprises a Transmission Control Protocol (i.e. TCP; inherent since internet uses TCP connection in general) connection (col. 2, line 58 – col. 3, line 22). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Hayden and Slemmer et al. because that would provide protection of individual computers from access by other computers on the network without requiring reconfiguration of the file sharing options on the computer (col. 2, lines 46-51).

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7. As to claim 11, Hayden does not teach the network device comprises a headless network device.

However, Slemmer et al. teach the network device comprises a headless network device (i.e. one of various computers; col. 6, lines 45-53). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Hayden and Slemmer et al. because that would provide a local area network that does not require the user to reconfigure her computer address when she logs onto the network (col. 2, lines 43-46).

Allowable Subject Matter

8. Claims 12-20, 22 and 24 are allowed.


9. Claims 3-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Mohammad O. Farooq
January 27, 2005